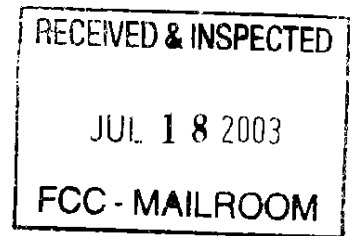


Before the
Federal Communications Commission
Washington, DC 20554



PETITION FOR RULEMAKING

Petition to remove Morse Code Requirements from all Amateur Service License Classes

Submitted by:
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Background and Explanation

The recent World Radiocommunication Conference 2003 adopted changes to the international rules requiring Morse Code (CW) proficiency to be demonstrated for stations operating below 30 MHz. The new requirements allow individual administrations to determine the suitability of Morse Code (CW) proficiency. This petition seeks the removal of Element 1 of the Amateur Service exams for the reasons set out below. We believe the reasons for removing the CW requirement are entirely self-evident, and as such, will endeavor to maintain this petition as briefly as possible.

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NTB

The Amateur Radio Service rules, as described in Title 47, Part 97.1 of the Code of Federal Regulations have a fundamental purpose in *(relevant parts)*:

(a) Recognition and enhancement of the value of the amateur service to the public as a voluntary noncommercial communication service, particularly with respect to providing emergency communications.

And

(d) Expansion of the existing reservoir within the amateur radio service of trained operators, technicians, and electronics experts.

Removal of the CW, Element 1, requirement for Amateur Service licensing would further the fulfillment of these fundamental purposes, and as proposed below, would have no real negative impact on the service or in enforcement of current rules.

The use of CW in the Amateur Service results from historical technical limitations and precedent, which had been:

- CW modulation was the first modulation technique, and was easily created relative to phone transmissions.
- Phone capable equipment had been expensive to create, relative to CW only equipment.
- CW was superior to other techniques for weak-signal communications.

- As the international community convened to coordinate frequency allocations, CW was the predominant method of communications.

These limitations no longer exist as phone capable equipment is as competitively priced and more readily available than equipment for CW transmission. In addition, digital modes such as PSK31, JT44, digital voice, and other modes provide greater weak signal capabilities when used with regard to their particular strengths. While CW was once the most capable means of communications under adverse conditions, and acknowledged as such by the requirement for proficiency in it, the international community has decided that this is no longer the case, and that proficiency in CW is optional, rather than necessary, worldwide. This petition seeks to acknowledge this in the Amateur Radio Service in the US as well.

This petition does not seek to ban CW, nor does it prevent those interested in pursuing CW proficiency. It does seek to put CW, which is no longer an international requirement, on the same standing as other modulation techniques, rather than being used for exclusivity. Those in the Amateur Service will still have the option to use CW, just as they have AM, FM, SSB, digital modes, ATV, and others as they are available. In fact, this proposal supports CW as it is currently used within the bands, other than as a licensing criteria.

For various technical reasons, the bands below 30 MHz have propagation characteristics which allow for communication beyond line-of-site. By removing the CW requirement,

those bands become more accessible and such a change would thereby increase the pool of available stations which would be capable of operating in times of national, or state-wide, emergencies. This would have positive implications for Homeland Security as well as in furthering the fundamental purpose of the Amateur Service.

We would also like to point out that those stations currently limited to 50 MHz and above are currently governed by the same rules of conduct as those below, and that despite there being no CW requirement, the VHF and above bands are operated well within conformity to FCC rules on a daily basis, without a CW knowledge requirement. The conclusion from this is that knowledge of CW is proven to not be required for stations to be able follow FCC rules of operation.

In order to make the Amateur Service more inclusive, and to allow for a potentially greater number of stations to operate below 50MHz by removing examination hurdles which are no longer needed for treaty or technical reasons, we ask the following actions in this petition.

Actions Being Requested in this Petition

- Element 1 of the Amateur Service exam be permanently removed as a requirement for any license class.
- All other Elements and their requirements remain unchanged.
- Current Technician Class licensees be permitted access to the “Technician with Element 1” part of the 10 meter band, and any other privileges held by Technicians with Element 1 credit.
- Band plans which support “CW only” portions continue to be supported as such.
- These changes become effective immediately, on a provisional basis, while the Notice of Proposed Rulemaking is issued.

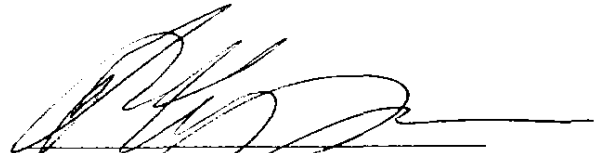
Summary

To summarize:

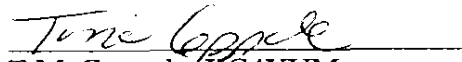
- Removal of the CW requirement furthers the principles of Part 97, Section 97.1 of Title 47 of the Code of Federal Regulations.
- Removal of the CW requirement would expand the reservoir of operators within the service.
- CW is no longer required by international obligation.
- CW is no longer the most commonly accessible modulation technique.
- CW is no longer the most effective method for weak signal reception.
- Removal of the CW requirement from the Amateur Service would facilitate and enhance emergency communications availability and provide for a greater number of potential operators with nationwide communications capability.
- This proposal does not seek to ban CW or make it unavailable.
- This proposal supports the use of CW where it is supported currently.
- Technical and rule knowledge will still be required in each license class where it is currently required.
- The lack of a CW requirement, as in the VHF and UHF bands, does not create enforcement problems.

Because of the vast number of benefits which result from these changes, as well as its implications for Homeland Security, it is requested that the Commission take whatever actions are necessary to expedite the issuance of a Notice of Proposed Rulemaking and to bring the action to a resolution in the quickest manner possible.

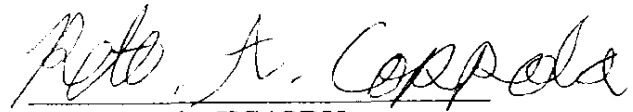
Respectfully Submitted,



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